United Nations S/PV.6368

Security Council

Sixty-fifth year

Provisional

6368th meeting

Wednesday, 4 August 2010, 10 a.m.

New York

President:	Mr. Churkin	(Russian Federation)
Members:	Austria	Mr. Lutterotti
	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Dunlop
	China	Mr. Long Zhou
	France	Mr. De Rivière
	Gabon	Mr. Moungara Moussotsi
	Japan	Mr. Sumi
	Lebanon	Ms. Ziade
	Mexico	Mr. Heller
	Nigeria	Mr. Onemola
	Turkey	Mr. Apakan
	Uganda	Mr. Mugoya
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. DiCarlo

Agenda

The situation concerning Iraq

Report of the Secretary-General pursuant to paragraph 6 of resolution 1883 (2009) (S/2010/406)

Note verbale dated 28 July 2010 from the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General (S/2010/404)

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10-47406 (E)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Iraq

Report of the Secretary-General pursuant to paragraph 6 of resolution 1883 (2009) (S/2010/406)

Note verbale dated 28 July 2010 from the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General (S/2010/404)

The President (*spoke in Russian*): I should like to inform the Council that I have received a letter from the representative of Iraq, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al Bayati (Iraq) took a seat at the Council table.

The President (*spoke in Russian*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Ad Melkert, Special Representative of the Secretary-General and head of the United Nations Assistance Mission for Iraq.

It is so decided.

I invite Mr. Melkert to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to draw the attention of members to document S/2010/406, containing the report of the Secretary-General pursuant to paragraph 6 of resolution 1883 (2009). I also wish to draw the attention of members to document S/2010/404, containing a note verbale dated 28 July 2010 from the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General.

At this meeting, the Council will hear a briefing by Mr. Ad Melkert, to whom I now give the floor.

Mr. Melkert: I welcome the opportunity to brief the Security Council today on the challenges facing Iraq and on the role of the United Nations. As the Security Council considers the renewal of the mandate of the United Nations Assistance Mission for Iraq (UNAMI), I wish to reiterate the Secretary-General's personal commitment to see the United Nations continue to implement its mandate and assist the people and the Government of Iraq to build a sustainable and prosperous future. During the past year, my team and I have been working with our Iraqi counterparts in a range of areas that are vital for Iraq's future. While notable progress has been made, major tasks are still ahead.

Following the successful completion of the parliamentary elections on 7 March 2010 and the certification of the election results on 2 June, Iraq has reached a critical juncture. Despite several months of negotiations, the transition to a new Government is still pending. As stated in the Secretary-General's report before the Council (S/2010/406), persistent delays in the Government formation process are contributing to uncertainty in the country and creating conditions that could be exploited by elements opposed to Iraq's democratic transition.

This process represents a real test of Iraq's transition to democracy and the commitment of Iraqi leaders to adhering to the country's Constitution. Continuing disagreements over who has the right to form the next Government and the appointment to key posts persist. It is too early to speak of an impasse, as some do, yet this cannot be excluded as a risk. There have been some encouraging signs. The main political blocs appear to agree on the need for a partnership Government and have been discussing possible power-sharing arrangements. I believe that, at this stage, Government formation could benefit from adherence to a specific time frame, as well as a collective process through which a resolution could be reached.

While negotiations continue, attention must be paid to the business of governing during this period. Last week, a common understanding seems to have

evolved among all political blocs over whether, indeed, the stage of a caretaker Government has been reached. While this is an issue for Iraqis to decide upon themselves, the concern is that a prolonged delay could impact on the day-to-day business of governing and could affect all walks of Iraqi life.

It is well understood that the Government formation process is a sovereign process and the full responsibility of Iraqis themselves. For its part, UNAMI continues to meet and listen to all parties concerned and stands ready to provide assistance and support at their request.

It is indeed the enfranchisement of the voters that now matters most. I therefore reiterate the Secretary-General's call in the report for Iraqi leaders to show a higher sense of urgency and to work together to forge an agreement through an inclusive process, without further delays caused by either domestically or externally generated considerations. There is no reason to be pessimistic as yet, for Iraq has embarked on an historic path that will shape the future of the country. However, the onus is ultimately on Iraqi leaders to ensure an orderly and peaceful transition of power. This is owed to the people of Iraq and expected by the international community.

Further delays in the formation of a Government are also impacting on the country's basic infrastructure and services, affecting the livelihood and well-being of Iraqi citizens. Recent protests in a number of cities denouncing the lack of electricity are a sign of potentially growing disillusionment and anger over what has become a situation of daily life for the average Iraqi citizen. The supply of electricity is at about 67 per cent of peak demand, with periods of blackout still averaging more than nine hours per day nationally. The Government has made electricity production a priority. Shortages will take several years to overcome, meanwhile negatively affecting prospects for employment and economic growth.

In furtherance of identifying the development agenda, on 26 July I chaired the Global Open Day for Women and Peace, in celebration of the tenth anniversary of resolution 1325 (2000), in Iraq. The meeting, widely attended by women parliamentarians and civil society leaders, called for wide-ranging legal reform, technical support for reconciliation and advocacy for gender equality.

With the National Development Plan as a basis, the Government has set its priorities to address features of underdevelopment in a country with such rich resources. Yet political delays stand in the way of appointments, mandates and capacity-building. After the signing of the United Nations Development Assistance Framework, many United Nations agencies are preparing for their part in the international technical assistance and advice that should accelerate progress on the ground.

I must, however, express a word of concern on the less than clear strategic involvement of the international community in its support for Iraq. Recently, the Humanitarian Coordinator appealed to donors "not to give up their commitment to the Iraqi people", as only 12 per cent of the required $187 million sought for the 2010 Humanitarian Action Plan for Iraq had been received. Clearly, contributions from Iraq's national budget should provide the lion's share for development and humanitarian action in the future. However, that will still take time, and time is not on the side of Iraqis who require significant support right now.

Once the Government formation process has been completed, it is imperative that Iraqi leaders continue to make national reconciliation a priority and address the many outstanding political and constitutional challenges facing the country. This includes Arab-Kurdish relations, particularly as they relate to disputed internal boundaries, revenue-sharing, legislation related to hydrocarbons, the federal framework and the constitutional review process. One area that I am pleased to report on is our serious efforts to promote dialogue in Ninewa governorate.

Following last year's initiative by Deputy Prime Minister al-Issawi, UNAMI has continued to support efforts to achieve progress in relation to Ninewa residents currently in detention in the Kurdistan region. Additionally, as part of this process a forum has been created for Ninewa's various minority communities to come together to identify ways to protect their rights. Central to the discussion in Ninewa is the handling of security arrangements between the Government of Iraq and Kurdistan regional security forces. The trilateral combined security agreement between the federal security forces, the Kurdistan Regional Government security forces, and the United States Forces in Iraq that currently operate in the disputed areas has made significant progress towards confronting instability in

these areas. Efforts to establish clear and sustainable security arrangements for the years ahead remain vital.

It is my hope that the process to end the boycott of the Ninewa Provincial Council will gain momentum, particularly as clarity and progress are achieved on some of the efforts just outlined. It is also hoped that the Ninewa talks will create a positive atmosphere for addressing the issue of disputed internal boundaries and improving relations between Arabs and Kurds.

Concerning Chapter VII of the United Nations Charter and relations with Kuwait, I should like to refer to my visit on 20 June to Kuwait, as well as various informal exchanges, which have confirmed that the time has come for a serious concerted effort to draw outstanding issues to a close. With the new Ambassador of Iraq having arrived in Kuwait, conditions for a results-oriented dialogue have improved. Entering an era of good-neighbourliness would serve as the necessary response to relevant Security Council resolutions, in particular resolution 833 (1993), and at the same time be of great mutual benefit for trade and development.

Once the formation process is complete, it is essential that the new Government move quickly to fulfil Iraq's outstanding obligations under Chapter VII resolutions, which are necessary for Iraq to achieve international standing equal to that which it held prior to the adoption of these resolutions. I hope that the actions taken by the new Government in this regard will create a new momentum for the Secretary-General's report pursuant to resolution 1859 (2008), which was submitted last July and remains pending with the Security Council. UNAMI continues its work to assist parties in this endeavour.

In a climate of uncertainty and volatility, UNAMI and the United Nations country team continue to work on the basis of their respective mandates in order to provide to the Government and people of Iraq, at their request, the kind of support that will contribute to stability, investments and long-term development.

I should inform the Council that the practical implications of the United States military drawdown are now starting to have an impact on our operations. We have engaged with the Government of Iraq to ensure that the conditions for the future United Nations presence in the country are on a secure and sustainable foundation, which will require finalization of the United Nations-Iraq status of mission agreement and an increase in the Organization's own security and operational capacity encompassing aviation, transport, infrastructure and life support.

I must stress that, in order to keep the United Nations presence at current or even higher levels, adequate financial resources from Member States will inevitably be required. I call upon the Council to weigh the implications of this particular period of transition as part of its consideration of the extension of the UNAMI mandate. I would like to remind the Council that a great number of United Nations staff members are still operating under challenging working and living conditions. A clear signal of ongoing commitment and support is critical to all those who are dedicating themselves to helping the Iraqi people build a peaceful and prosperous country.

In conclusion, Iraq has made considerable progress since 2003. It has come a long way in consolidating its peace and security and promoting the welfare of its citizens. Nevertheless, we cannot underestimate the challenges that it still faces. It is essential that the Security Council and the international community as a whole do their utmost to ensure that all necessary support continues to be provided to Iraq until such time that it can reach its full potential. I wish to assure the Council that the Secretary-General and UNAMI will endeavour to implement whatever new mandate the Security Council establishes, working for the benefit of the people of Iraq.

The President (*spoke in Russian*): I thank Mr. Melkert for his briefing.

I now give the floor to the Permanent Representative of Iraq.

Mr. Al Bayati (Iraq): Mr. President, allow me at the outset to congratulate you on your assumption of the presidency of the Security Council for this month. I would also like to present our thanks to your predecessor, Her Excellency Mrs. Joy Ogwu, Permanent Representative of Nigeria, for her distinguished efforts during her presidency in the month of July. Our thanks also go to Mr. Ad Melkert, Special Representative of the Secretary-General for Iraq, and his team in Baghdad and in New York for their vigorous efforts in assisting the Iraqi Government and the Iraqi people.

The past year has witnessed a substantial drop in violence and a manifest improvement of the security

situation in Iraq, despite some terrorist acts targeting innocent civilians. With the implementation of a bilateral agreement on the withdrawal of United States combat troops from Iraq, Iraqi security forces, despite some challenges they face, are assuming full responsibility for securing the country and have undeniably shown their ability to manage the security of Iraq by carrying out powerful strikes against terrorists and through law enforcement, regardless of partisan, ethnic or sectarian considerations.

This year has also witnessed the successful holding of legislative elections, which took place on 7 March and elicited considerable Arab, regional and international attention. Monitors from the United Nations Assistance Mission for Iraq (UNAMI), the Organization of the Islamic Conference and the League of Arab States, in addition to international observers and civil society organizations, have all expressed their confidence in the transparent and fair elections held in Iraq.

The announcement of the election results was delayed by the constitutionally mandated ratification procedure, which entailed a recount of votes in accordance with electoral law and regulations. We were able to get beyond this stage because we referred the Constitution and a decision of the Independent Electoral Commission.

All of the major political parties are currently making extensive contacts in order to hold a fruitful session of the newly elected Council of Representatives, which will elect a new Speaker of the Council and the President and will then ask the new Prime Minister to form a Government based on the provisions of the Iraqi Constitution. We hope, and all parties have agreed, that this new Government will be formed without delay, as any delay will negatively affect the security situation.

The improvement of the security situation in Iraq has encouraged many Arab and foreign countries to reopen their diplomatic missions and has significantly contributed to the development of Iraq's friendly relations at the regional and international levels, in addition to the appointment of 53 Iraqi ambassadors to various countries of the world that have expressed their support for this development. Moreover, the chairmanship of Iraq at the Arab Summit next year will highlight Iraq's endeavours to become an effective and responsible member of the Arab world and the international community. Iraq will continue to strengthen its friendship ties and cooperation with its neighbours in order to regain its positive position among them, living peacefully with its people and its neighbours and reinforcing stability and security in the region.

In the development field, on 4 July the Iraqi Government launched a five-year National Development Plan 2010-2014, which includes approximately 2,700 strategic projects in various sectors valued at $186 billion, in order to develop the Iraqi economy and improve the quality of services provided to Iraqis. The implementation of this plan will provide 4 million jobs in order to address the problem of unemployment in Iraq.

The most important issue that Iraq faces at this stage remains freeing itself from the burden of Chapter VII of the United Nations Charter. Pursuant to the report of the Secretary-General contained in document S/2009/385, it became clear to us that we would have to follow two courses of action. The first deals with issues concerning the situation in Iraq. The second deals with issues concerning the situation between Iraq and Kuwait.

Because of the importance and sensitivity of the latter, there has been a common understanding among all relevant parties, including our brothers in Kuwait, that this path would be considered after the formation of the new Iraqi Government. We earnestly hope that movement on this path will be in consultation and coordination with our Kuwaiti brothers in accordance with the relevant Security Council resolutions. In this regard, I wish to stress once again that Iraq is committed to the implementation of all Security Council resolutions without exception.

With regard to the first course of action, there are three key issues: the remaining issues of disarmament, particularly those relating to resolutions 687 (1991) and 707 (1991), the remaining contracts of the oil-for-food programme, and the issue of the protection of Iraqi funds. I will talk about what we have done in this process with transparency and high credibility.

With regard to the remaining issues of disarmament, after the Security Council adopted resolution 1762 (2007) in order to terminate the mandates of the United Nations Monitoring, Verification and Inspection Commission and the International Atomic Energy Agency (IAEA) under the

relevant resolutions, we had to pursue the remaining issues in this area based on the aforementioned report of the Secretary-General. On this basis, on 18 January 2010, we sent a letter to the President of the Security Council and the Director General of IAEA, which explained all of the steps we have taken, as well as the steps we plan to take in this area.

We came to the conclusion that Iraq had fulfilled its obligations and requested the Security Council to consider the immediate lifting of all restrictions imposed on Iraq under the Security Council resolutions on disarmament and weapons of mass destruction and ballistic missiles, including resolutions 687 (1991) and 707 (1991).

Based on those letters, the Security Council issued a presidential statement on 26 February 2010 (S/PRST/2010/5) welcoming the letter from the Minister for Foreign Affairs of Iraq and the steps carried out by Iraq and requesting IAEA to indicate its position regarding Iraq's cooperation with the Agency. On 11 March 2010, the Director General of IAEA informed the Secretary-General that Iraq has excellent cooperation with IAEA (see S/2010/150). We expected a positive response from the Security Council in the form of a resolution which would lift the remaining restrictions on Iraq in the field of disarmament so that Iraq would be able to benefit from scientific progress and technology. However, this did not happen, possibly because of the concern of the international community and the Security Council, particularly the five permanent members, at that time regarding preparations for the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons and the importance of the Conference yielding positive results to end the stalemate of the past 10 years, as well as other international concerns which were given priority.

In addition to what I have just discussed, Iraq has recently taken important steps in the area of disarmament and non-proliferation. In this regard, I would like to refer to the letter of the Minister for Foreign Affairs of Iraq to the Secretary-General and the President of the Security Council dated 25 July 2010 (see S/2010/403). We have decided to voluntarily adhere to the Additional Protocol to the Comprehensive Safeguards Agreement between Iraq and IAEA. On 16 July 2010, Iraq provided notification to IAEA, on the basis of article 17 of the Additional Protocol, in response to IAEA's initial declaration. Furthermore, we have set up a national committee of experts, with the participation of the relevant Iraqi authorities, for the liquidation of chemical residues of the former chemical weapons programme and, on 28 June 2010, Iraq submitted a briefing to the Organization for the Prohibition of Chemical Weapons (OPCW) on this matter, and it received full approval from that organization. We will proceed without delay to liquidate those residues with the assistance of our friends and the international community. We are also privileged to have begun our membership of the Executive Council of OPCW for the period 2010 to 2012.

The Iraqi Government also decided, on 13 July 2010, to join The Hague Code of Conduct against Ballistic Missile Proliferation, and the Ministry of Foreign Affairs is following the legal and administrative procedures for joining. Moreover, the Iraqi Government adopted a strict mechanism to control dual-use items as part of its transparency- and confidence-building measures with international bodies on disarmament, all of which have been reported to IAEA, OPCW and other disarmament bodies.

After all of these steps taken by Iraq, we are looking forward to the Security Council's consideration of this issue and its adoption of an appropriate resolution to end all remaining restrictions on Iraq in the field of disarmament.

As for the remaining contracts of the oil-for-food programme, the Iraqi Central Bank received a letter from the United Nations, dated 30 April 2010, which stated that 65 disputed contracts remain. Consistent with the Iraqi Government's desire to finish the remainder of the oil-for-food programme as soon as possible, a ministerial committee headed by the Deputy Prime Minister for Economic Affairs was formed to follow up and audit controversial contracts with the relevant Iraqi ministries. The committee recommended, in principle, to pay the sums due for 26 contracts partially or entirely. As for the remaining 39 contracts, the committee decided to settle and end this programme completely before Iraq presents its third quarterly report, based on paragraph 5 of Security Council resolution 1905 (2009).

With regard to the protection of Iraq's funds and the implementation of the successor arrangement for the Development Fund for Iraq and the International Advisory and Monitoring Board in accordance with

Security Council resolution 1905 (2009), Iraq is doing everything possible to provide the requirements for the protection of Iraqi funds, whether by ending the financial claims of individuals and companies that were inherited from the former Iraqi regime, or through the settlement of its sovereign debts, or through contact with banks and international institutions to seek possibilities for adequate protection. Iraq has covered all of those areas, as described in Iraq's second quarterly report to the Security Council, issued in document S/2010/365* of 8 July 2010.

However, the assessment reached by the Iraqi Government so far confirms that the protection of banks and financial institutions is not up to the level of protection that would be provided by a resolution of the Security Council under Chapter VII of the United Nations Charter. Thus, the Government of Iraq will continue its efforts to take the appropriate decisions after further contacts with the relevant authorities and will determine its position in this regard at the time of the forthcoming third quarterly report.

Removing the provisions of Chapter VII which imposed on Iraq financial and other burdens that affect its sovereignty has almost become part of our bitter past, and we are serious in our determination to dispose of them with the Security Council's help. What Iraq has done over the years that followed the fall of the former regime in the area of respect for and commitment to the resolutions of international legitimacy should be responded to by the Security Council with appreciation and consideration. We request that the Council take the necessary measures to liberate Iraq from all restrictions imposed on it by Security Council resolutions, in order to enable Iraq to exercise its natural role as an effective member of the international community, to perform its duties and to enjoy its rights, as was the case before the adoption of Security Council resolution 661 (1990).

The Government of Iraq, while it highly appreciates the role of UNAMI in providing advice and support, looks forward to that role becoming more effective and influential through the return of the specialized agencies, funds and programmes of the United Nations to work in Iraq, making an actual direct contribution to the process of building and reconstruction. The constitutionally elected Iraqi Government, while reiterating its desire to extend the UNAMI mandate, hopes that this mandate will be to provide the needed support and assistance through a specific mechanism and with the prior approval of the Iraqi Government.

The President (*spoke in Russian*): There are no further speakers on my list. In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.40 a.m.